

EXHIBIT E SUPPORTING AMENDMENTS TO THE ZONING CODE TEXT

Section 4.025. Enforcement and Administration.

- B. There has been a change of circumstances since the previous hearings which materially affect the applicant's real property, and as a result, the reasons for the denial, as stated by the Planning Commission, Development Review Board or City Council, no longer exist; and/or
- C. A mistake was made at a previous hearing which was a significant factor in the denial of the previous application; and/or
- D. The resubmitted application substantially corrects any stated grounds for denial of the earlier application; and/or
- E. Resubmitted application sufficiently revises the proposal to warrant consideration.

Section 4.025. Enforcement and Administration.

- (.01) It shall be the duty of the Planning Director, to administer and enforce the provisions of Chapter 4 of this Code in a manner to assure rapid and effective compliance.
- (.02) The records of zoning actions and all amendments shall be officially held within the office of the City Recorder. All amendments to text and/or Official Zoning Map shall be approved or rejected by the City Council and acknowledged by the Mayor and attested by the City Recorder. Each action that changes a zoning district boundary shall be included on a new Official Zoning Map and approved by the Mayor and attested by the City Recorder and filed in the office of the City Recorder and will be the correct and binding zoning in all cases.
- (.03) The Commission or Board by a majority vote may instruct the Planning Director to enforce any provision of this Ordinance.
- (.04) When it appears to the City Council that there is a failure or refusal by any person, firm or corporation to comply with a final decision of the Board or Planning Commission, or of the Council in cases of appeal, or that there is a continuing violation otherwise of this Ordinance, the City Council may authorize the City Attorney to institute an appropriate suit in equity in the Circuit Court in the name of the City and abate and temporarily and permanently enjoin such violation.

Section 4.026. Enforcement Procedures and Penalties.

- (.01) On new construction, and prior to occupancy, the Planning Director shall assure that the development has occurred in substantial conformance with the approved Site Development Plans. If substantial inconsistencies occur, the Director may withhold authorization for connection of domestic water service, or may authorize the disconnection of water service, if water service has already been established. The Director also has the authority to withhold temporary or permanent certificates of occupancy for all or part of a development until all applicable requirements are met.
- (.02) When a violation occurs, the Planning Director shall notify in writing the property owner and or known agent of the property owner of the violation. The notice shall set forth the nature of the violation and the necessary corrective action and shall specify the penalty for non-compliance and a reasonable date of compliance not to exceed

Section 4.027. **Saving Clause (Severability).**

thirty (30) days from the date of notice. An error in the name of the owner or use of a name other than the true owner or agent of such property shall not render void such notice. In such case the posted notice shall be deemed sufficient.

- (.03) If the violation has not been corrected, or a reasonable effort made to correct the violation within the time set forth in the notice, the Planning Director may cause the domestic water service to the property to be shut off as set by the Water Rates Ordinance.
- (.04) A violation of any provision of this Chapter is punishable, upon a first conviction, as a violation pursuant to Section 1.012 of the Wilsonville Code, and upon a subsequent conviction, as a Class C Misdemeanor pursuant to Section 1.011. In the case of a continuing offense, each day of any violation constitutes a separate offense. [Amended Ord. #253, 2/21/84]
- (.05) The City Attorney, at the request of the City Council, shall institute any necessary legal proceedings to enforce the provisions of this Chapter.

Section 4.027. Saving Clause (Severability).

Should any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid; each section, clause and provision hereof being declared severable.

Section 4.028. Fees.

Fees are for the purpose of defraying administrative costs and shall be governed by the provisions of a Resolution duly adopted by the Wilsonville City Council. The City Council may establish fees sufficient to cover all or part of the City's actual costs or actual average costs of processing applications.

Section 4.029. Zoning to be Consistent with Comprehensive Plan.

If a development, other than a short-term temporary use, is proposed on a parcel or lot which is not zoned in accordance with the Comprehensive Plan, the applicant must receive approval of a zone change prior to, or concurrently with the approval of an application for a Planned Development.

Section 4.030. Jurisdiction and Powers of Planning Director and Community Development Director.

- (.01) Authority of Planning Director. The Planning Director shall have authority over the daily administration and enforcement of the provisions of this Chapter, including dealing with non-discretionary matters, and shall have specific authority as follows:
 - A. A Class I application shall be processed as a ministerial action without public hearing, shall not require public notice, and shall not be subject to appeal or call-up, except as noted below. Pursuant to Class I procedures set forth in Section 4.035, and upon finding that a proposal is consistent with the provisions of this

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Section 4.030. Jurisdiction and Powers of Planning Director and Community Development Director.

Code and any applicable Conditions of Approval, shall approve the following, with or without conditions:

1. Minor site clearing and grading, prior to the approval of a Site Development Plan, provided that:
 - a. no clearing or grading occurs within the Significant Resource Overlay Zone. Clearing or grading in the Significant Resource Overlay Zone shall require, at a minimum, approval of a Class II permit through the procedures specified below;
 - b. no clearing or grading occurs within twenty-five (25) feet of an area that has been identified by the City as a wetland;
 - c. not more than three (3) trees are proposed to be removed;
 - d. no fill or removal is proposed;
 - e. adequate measures are utilized to control erosion and runoff from the site and that the applicant will submit a final Site Development application within seven (7) days of submitting the minor site grading application. All grading activities require compliance with the requirements of the applicable building code and City Public Works standards.
2. Class I Sign Permits, and Temporary Sign Permits for thirty (30) days or less. [Amended by Ord. No. 704, 6/18/12.]
3. Architectural, landscape, tree removal, grading and building plans that substantially conform to the plans approved by the Development Review Board and/or City Council. The Planning Director's approval of such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters.
4. Building permits for single family or two-family dwellings, and in the Village zone, row houses or apartments, meeting zoning requirements and located on lots that have been legally created. The Planning Director's approval of such plans shall apply only to Development Code requirements and shall not alter the authority of the Building Official or City Engineer on these matters. [Amended by Ord 557 adopted 9/5/03].
5. Lot line adjustments, where none of the lots increase in area by fifty percent (50%) or more, subject to the standards specified in Section 4.233.
6. A temporary use permit for not more than thirty (30) days, subject to the following standards:
 - a. the applicant has the written permission of the property owner to use the site;
 - b. the proposed use will not create an obstruction within a sight vision clearance area that would impair the vision of motorists entering onto or passing by the property;
 - c. adequate parking is provided;
 - d. signs shall meet the standards of Section 4.156.09. A maximum of two signs, not exceeding a combined total of 24 square feet, are allowed; and
 - e. the proposed use has the approval of the Fire Marshal.

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Section 4.030. Jurisdiction and Powers of Planning Director and Community Development Director.

7. Determination that an existing use or structure is a non-conforming use or non-conforming structure, as defined in this Code. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the history of the property, choose to process such determinations through the Class II procedures below.
 8. Actions taken subject to Site Development Permits which have been approved by the appropriate decision-making body of the City.
 9. Final plats for condominiums, subdivisions, or partitions that are substantially the same as tentative plats approved by the City and which are submitted for review and signature prior to recordation with the appropriate county.
 10. Type A tree removal permits as provided in Section 4.600.
 11. Determination, based upon consultation with the City Attorney, whether a given development application is quasi-judicial or legislative. Except, however, that the Planning Director may, in cases where there is any uncertainty as to the nature of the application, choose to process such determinations through the Class II procedures below.
 12. Expedited land divisions. Applications for expedited land divisions, as provided for in Section 4.232 of this Code and ORS Chapter 197 shall be processed without public hearing, and shall be subject to appeal through the special appeal procedures specified in Section 4.232.
 - a. Authority of Planning Director. The Planning Director shall have authority to review applications for expedited land divisions and to take action approving, approving with conditions, or denying such applications, based on findings of fact.
 - b. Tentative Plat Requirements for Expedited Land Divisions. Tentative plats and all other application requirements for expedited land divisions shall be the same as for other forms of land divisions, except as those requirements are specifically altered by the Oregon Revised Statutes.
 - c. Administrative Relief Not Available. In taking action on an application for an expedited land division, the Planning Director is not authorized to grant Variances or waivers from the requirements of the Code.
 - d. Residential Areas Only. As specified in ORS 197, expedited land divisions shall only be approved in areas zoned for residential use.
- B. A Class II application shall be processed as an administrative action, with or without a public hearing, shall require public notice, and shall be subject to appeal or call-up, as noted below. Pursuant to Class II procedures set forth in Section 4.035, the Director shall approve, approve with conditions, deny, or refer the application to the Development Review Board for a hearing:
1. Minor alterations to existing buildings or site improvements of less than twenty-five percent (25%) of the previous floor area of a building, but not to exceed 1,250 square feet, or including the addition or removal of not more than ten (10) parking spaces. Minor modifications to approved Architectural and Site Development Plans may also be approved, subject to the same standards.

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Section 4.030. Jurisdiction and Powers of Planning Director and Community Development Director.

2. Residential accessory buildings or structures with less than one hundred and twenty (120) square feet of floor area located within the Willamette River Greenway Boundary pursuant to Section 4.500 and subject to the flood plain development standards of Section 4.172. Approval of such accessory structures in the Greenway shall be based on all of the following findings of fact:
 - a. The building or structure is located so that the maximum amount of landscape area, open space and/or vegetation is provided between the river and the building;
 - b. Public access to the river is preserved or is provided in accordance with an approved and adopted plan; and
 - c. That the change of use, intensification of use, or development will be directed away from the river to the greatest possible degree while allowing a reasonable use of the property.
3. Written interpretations of the text or maps of this Code, the Comprehensive Plan or sub-elements of the Comprehensive Plan, subject to appeal as provided in Section 4.022. The Planning Director may review and interpret the provisions and standards of Chapter 4 (Planning) of the Wilsonville Code upon receiving the required filing fee along with a specific written request. The Director shall publish and mail notice to affected parties and shall inform the Planning Commission and City Attorney prior to making a final written decision. The Director's letter and notice of decision shall be provided to the applicant, the Planning Commission, the City Council, and City Attorney and the notice shall clearly state that the decision may be appealed in accordance with Section 4.022 (Appeal Procedures). A log of such interpretations shall be kept in the office of the Planning Department for public review.
4. A permit to locate an accessory use on a lot adjacent to the site of the principal use.
5. Land partitions, other than expedited land divisions, pursuant to Section 4.210. Approval of land partitions shall be based on all of the following findings of fact:
 - a. The applicant has made a complete submittal of materials for the Director to review, as required in Section 4.210;
 - b. The proposed plan meets the requirements of the Code regarding minimum lot size and yard setbacks;
 - c. The approval will not impede or adversely affect the orderly development of any adjoining property or access thereto;
 - d. The public right-of-way bordering the lots or parcels will meet City standards;
 - e. Any required public dedications of land have been approved for acceptance by the City and will be recorded with the County prior to final plat approval;
 - f. Adequate easements are proposed where an existing utility line crosses or encroaches upon any other parcel to be created by the partition;

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Section 4.030. Jurisdiction and Powers of Planning Director and Community Development Director.

- g. All public utilities and facilities are available or can be provided prior to the issuance of any development permit for any lot or parcel; and
 - h. Roads extended or created as a result of the land division will meet City standards.
6. Decisions on the following:
- a. Lot line adjustments, where any of the lots increase by more than fifty percent (50%) in area, subject to the provisions of Section 4.233.
 - b. Temporary use permits for periods exceeding thirty (30) days. Temporary use permits may allow specific activities associated with the primary use or business located on the property for up to 120 days provided that:
 - i. the property owners have given written permission;
 - ii. no structure, sign or any other object shall exceed 20 feet in height;
 - iii. adequate parking is provided in designated spaces;
 - iv. signs are limited to a maximum of two and shall not exceed a total combined area of 24 square feet;
 - v. electrical and building permits are obtained as required;
 - vi. undue traffic congestion will not result and, if traffic congestion is expected, a traffic control plan is submitted along with the application that identifies the traffic control procedures that will be used;
 - vii. the activity and/or use shall not unduly interfere with motorists driving on adjacent roads and streets, including I-5; and
 - viii. public notice has been provided and the comments of interested parties have been considered in the action that has been taken.
7. Solar access permits, as specified in Section 4.137.3.

[Correction of numbering order for Section 4.030(.01)(B.) by Ordinance No. 538, 2/21/02.]

8. Class II Sign Permits. [Added by Ord. No. 704, 6/18/12.]

- C. Other specific actions or duties delegated by Planning Commission or Development Review Board Resolution, or by order of the Council, setting forth the review procedure guided by clear and objective standards for administration.
- D. Administrative Relief: In issuing the permits in subsection “B,” above, the Planning Director may grant limited relief in cases of hardship. The Director shall follow the Class II - Administrative Approval procedures to determine whether administrative relief shall be granted. If the Director receives a complete application, along with the required filing fee, and the request involves only the expansion or reduction by not more than 20 percent of one or more quantifiable provisions of yard, area, lot dimension, or parking requirements of the zone, the Director may approve the application, based upon findings of fact supported by evidence in the record. The Variance procedures and standards specified in Section 4.196 shall be used in determining whether administrative relief shall be granted.
- E. Emergency Situations: The Planning Director may review and approve any reasonable and necessary emergency measure, including the removal of trees and vegetation from the Willamette River Greenway, Significant Resource Overlay

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Section 4.031. Authority of the Development Review Board.

Zone and wetlands, necessary for the safety and/or protection of persons or property. The standard shall be that the least amount of activity or disruption is used to provide the necessary protection to the property or to avert damage to the property. The Director may require restoration of landscaping, vegetation or soil to repair any damage resulting from enacting emergency protection measures.

- (.02) Authority of Community Development Director. The Community Development Director shall serve as the City's Flood Plain Administrator and shall have specific additional authority as follows:
- A. Reviewing proposed site development applications to assure compliance with the requirements of Section 4.172 (Flood Plain Regulations);
 - B. Reviewing proposed site development applications to determine whether sufficient information exists to waive the requirement of a traffic study.
 - C. Reviewing and determining the adequacy of security provided in lieu of improvements for a development.
 - D. Reviewing final plats for compliance with conditions of approval and City engineering standards.

Section 4.031. Authority of the Development Review Board.

- (.01) As specified in Chapter 2 of the Wilsonville Code and except as specified herein, the Board shall have authority to act on the following types of applications:
- A. Class II development applications referred to the Board by the Planning Director, as authorized in Section 4.030.
 - B. Call-ups or appeals of staff decisions or interpretations involving quasi-judicial applications or procedures, as authorized in Sections 4.022 and 4.172.
 - C. Review of tentative subdivision and condominium plats, as authorized in Section 4.210, other than those processed as expedited land divisions.
 - D. Conditional Use Permits, as authorized in Section 4.184.
 - E. Variances, as authorized in Section 4.196, other than those that are reviewed and acted upon by the Planning Director through Administrative Review processes.
 - F. Initial review of quasi-judicial applications for zone changes, as authorized in Section 4.197.
 - G. Initial review of quasi-judicial applications for amendments to one or maps in the Comprehensive Plan, as authorized in Section 4.198.
 - H. Site design review, as authorized in Section 4.400.
 - I. Review of Stage I and Stage II Planned Development applications.
 - J. Acceptance, rejection, or modification of traffic studies prepared for projects or developments. A traffic study prepared by the City's consultant shall not be rejected or modified by the Board unless substantial evidence exists in the record

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Section 4.032. Authority of the Planning Commission.

to justify such action. If the Board rejects a traffic study prepared by the City's consultant, the fee paid by the applicant for that study shall be refunded.

- K. Initial review of requests for quasi-judicial annexations to the City of Wilsonville.
 - L. Street vacations, where a specific development application has been filed for the subject property. If no specific development application has been filed for the subject property, the vacation request shall be considered by the Planning Commission. Action of the Planning Commission or Board on a street vacation request shall be a recommendation to the City Council.
 - M. Class III Sign Permits, Master Sign Plans, and all sign permits and approvals not specifically authorized for administrative review or exempt from permitting requirements. [Added by Ord. No. 704, 6/18/12.]
- (.02) Once an application is determined or deemed to be complete pursuant to Section 4.011, it shall be scheduled for public hearing before the Development Review Board. The City shall provide public notice of the hearing as specified in Section 4.012.
- (.03) At the public hearing, the staff, any applicant, and interested persons may present information relevant to the policies, criteria and standards pertinent to the proposal, giving reasons why the application should or should not be approved or proposing modifications or conditions and the reasons the person believes they are necessary for approval. The hearing body shall make a finding for each of the applicable policies, criteria and standards, including whether the proposal conforms to the Comprehensive Plan. The decision, including findings of the hearing body shall be adopted by Resolution, setting forth all Conditions of Approval and relevant time periods for compliance with said conditions.
- A. If the application is approved, that approval shall constitute a Development Permit when the applicant has complied with the other requirements of this Chapter or the applicant has filed with the Planning Director a written agreement to comply with all conditions of approval.
 - B. A decision of the Board may be appealed to the City Council by any party to the hearing in accordance with Section 4.022.

Section 4.032. Authority of the Planning Commission.

- (.01) As specified in Chapter 2 of the Wilsonville Code, the Planning Commission sits as an advisory body, making recommendations to the City Council on a variety of land use and transportation policy issues. The Commission also serves as the City's official Committee for Citizen Involvement and shall have the authority to review and make recommendations on the following types of applications or procedures:
- A. Legislative zone changes and changes to the text of Chapter 4 of this Code;
 - B. Legislative changes to, or adoption of new elements or sub-elements of, the Comprehensive Plan;
 - C. Initial review of requests for legislative annexations to the City of Wilsonville; and

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Section 4.033. Authority of City Council.

- D. Street vacations, where no specific development application has been filed for the subject property. If a specific development application has been filed for the subject property, the vacation request shall be considered by the Development Review Board. Action of the Planning Commission or Board on a street vacation request shall be a recommendation to the City Council.

Section 4.033. Authority of City Council.

- (.01) Upon appeal, the City Council shall have final authority to act on all applications filed pursuant to Chapter 4 of the Wilsonville Code, with the exception of applications for expedited land divisions, as specified in Section 4.232. Additionally, the Council shall have final authority to interpret and enforce the procedures and standards set forth in this Chapter and shall have final decision-making authority on the following:
 - A. Applications for zone changes and changes to the text of Chapter 4, as authorized in Section 4.197.
 - B. Applications for amendments to, or adoption of new elements or sub-elements to, the maps or text of the Comprehensive Plan, as authorized in Section 4.198.
 - C. Appeals of any action taken by the Development Review Board, as authorized in Section 4.022.
 - D. Items called up from the Development Review Board by the City Council, as authorized in Section 4.022.
 - E. Consideration of the recommendations of the Planning Commission.
 - F. Review of requests for annexations to the City of Wilsonville.
 - G. Recommendations to the Metro Council on proposed changes to the portion of the Urban Growth Boundary adjoining Wilsonville.
 - H. Final actions on street vacation applications.
- (.02) When a decision or approval of the Council is required, the Planning Director shall schedule a public hearing pursuant to Section 4.013. At the public hearing the staff shall review the report of the Planning Commission or Development Review Board and provide other pertinent information, and interested persons shall be given the opportunity to present testimony and information relevant to the proposal and make final arguments why the matter shall not be approved and, if approved, the nature of the provisions to be contained in approving action.
- (.03) To the extent that a finding of fact is required, the Council shall make a finding for each of the criteria applicable and in doing so may sustain or reverse a finding of the Planning Commission or Development Review Board. The Council may delete, add or modify any of the provisions pertaining to the proposal or attach certain development or use conditions beyond those warranted for compliance with standards in granting an approval if the Council determines the conditions are appropriate to fulfill the criteria for approval.

Section 4.034. Application Requirements.

- (.04) To the extent that a policy is to be established or revised, the Council shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an Ordinance, Resolution or order.
- (.05) Legislative enactments not restricted. Nothing in Sections 4.030 through 4.035 shall limit the authority of the Council to make changes in district designations or requirements as part of some more extensive revision of the Comprehensive Plan, an implementing ordinance or development standards or relieve a use or development from compliance with other applicable laws.

Section 4.034. Application Requirements.

Applications shall be reviewed as follows:

- (.01) A zone change shall be reviewed in accordance with the standards and procedures set forth in Section 4.197.
- (.02) Applications for Conditional Use Permits shall be reviewed in accordance with the standards and procedures set forth in Section 4.184.
- (.03) Applications for Variances shall be reviewed in accordance with the standards and procedures set forth in Section 4.196.
- (.04) Applications for Planned Development Approvals shall be reviewed in accordance with the standards and procedures set forth in Section 4.035.
- (.05) Applications for subdivisions, condominium divisions, lot line adjustments and land partitions shall be reviewed in accordance with the standards and procedures set forth in Section 4.210.
- (.06) Applications for Site Development Permits shall be reviewed in accordance with the standards and procedures set forth in Section 4.035:
- (.07) Applications for street vacations shall be reviewed in accordance with the standards and procedures set forth in ORS 271.
- (.08) Applications for development approvals within the Village zone shall be reviewed in accordance with the standards and procedures set forth in Section 4.125. [Added by Ord. 557, adopted 9/5/03]

Section 4.035. Site Development Permits.

- (.01) Procedures for Processing Site Development Permit.
 - A. Unless the matter is subject to a public hearing process for a land development permit, an application for a Site Development Permit shall be processed through a Class I or II procedure as set forth below.
 - B. When an application and proposed development plan is submitted, the Planning Director shall determine the appropriate procedure specified by the Code, together with the determination of affected departments, public agencies and property owners. Where there is a question as to the appropriate type of procedure, the

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Director may elect to process the application as a Class II Administrative Review item.

- C. The Planning Director shall be responsible for the coordination of the Development Permit application and decision-making procedure and shall only issue a Development Permit to an applicant whose application and proposed development are found to be in compliance with all of the applicable provisions set forth in the Comprehensive Plan and Chapter 4 of this Code. Before issuing the Development Permit, the Director shall be provided with the detail required to establish full compliance with the requirements of this Code.
- (.02) Class I - Administrative Review. Consistent with the authority set forth in Section 4.030, a Class I application shall be processed without a public hearing or public notice, unless otherwise specifically required by this Code.
- A. Within thirty (30) days of the date of receiving a complete Class I application, pursuant to Section 4.011, the Director shall approve, conditionally approve, or deny the Development Permit. The decision of the Director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others. The Director shall notify the applicant in writing of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to Section 4.022.
 - B. The Development Permit shall be approved if applicable approvals by others have been granted and the proposed development otherwise conforms to the requirements of the Comprehensive Plan, and the remainder of Chapter 4.
 - 1. The Development Permit shall be denied if required approvals are not obtained or the application otherwise fails to comply with Code requirements. The notice shall describe the reason for denial.
 - 2. Upon taking action on a Class I Permit application, the Planning Director shall mail notice of the decision to the applicant. A decision of the Planning Director under this procedure may be appealed by the applicant in accordance with Sections 4.022 and 4.030. The hearing on the appeal shall be a review of the record supplemented by oral commentary relevant to the record presented on behalf of the applicant and the Planning Director.
- (.03) Class II - Administrative Review. Consistent with the authority set forth in Section 4.030, a Class II application shall be processed without a public hearing, except as determined appropriate by the Director.
- A. Within ten (10) calendar days of receiving a complete Class II Permit application, the Planning Director shall mail notice of the proposed development, pursuant to Section 4.012, to all property owners within 250 feet of the proposal. The notice shall summarize the standards and criteria that will be used to evaluate the application and shall be sent to the persons designated to receive notice by the relevant sections of this Code. The notice shall invite persons to submit information within ten (10) calendar days, relevant to the standards pertinent to the proposal and giving reasons why the application should or should not be approved or proposing conditions the person believes are necessary for approval

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according to the standards. The notice shall also advise the person of the right to appeal the decision on the proposed development if the person's concerns are not resolved.

- B. If the Director anticipates that persons other than the applicant can be expected to question the application's compliance with the Comprehensive Plan or Development Standards, the Planning Director may initiate a public hearing.
- C. Within ten (10) calendar days of the final response date, the Director shall review any information received under Subsection "A", above, and make a final decision. The final decision and supporting findings shall be forwarded to the applicant, affected parties required to be notified, and the Development Review Board. The decision shall be based upon a determination of whether the application complies with the standards and criteria listed above for Class I Administrative Reviews and the following additional standards:
 - 1. The proposed development or use, including signage, is compatible with developments or uses permitted in the zone;
 - 2. The proposed development or use will not create a nuisance or result in a significant reduction in the value or usefulness of adjacent properties;
 - 3. If the proposed use is to be temporary, the length of time for which it is permitted shall be reasonable in terms of the purpose and nature of the use that is proposed;
 - 4. If the application involves a Variance, it shall be subject to the standards and criteria listed in Section 4.196;
 - 5. All of the relevant application filing requirements of Chapter 4 have been met.
- D. A decision of the Planning Director under a Class II procedure may be appealed by an affected party or may be called up for review by the Development Review Board, provided such action is taken by members of either panel of the Board as specified in Section 4.022.
- E. The Development Review Board, Planning Commission, or City Council may delegate specific actions or duties to be executed by the Planning Director. The body making the delegation shall specify the administrative review procedures that the Director is to follow in the process.

(.04) Site Development Permit Application.

- A. An application for a Site Development Permit shall consist of the materials specified as follows, plus any other materials required by this Code.
 - 1. A completed Permit application form, including identification of the project coordinator, or professional design team.
 - 2. An explanation of intent, stating the nature of the proposed development, reasons for the Permit request, pertinent background information, information required by the development standards and other information specified by the Director as required by other sections of this Code because of the type of development proposal or the area involved or that may have a bearing in determining the action to be taken. As noted in Section 4.014, the applicant

Section 4.035. Site Development Permits.

bears the burden of proving that the application meets all requirements of this Code.

3. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all individuals or partners in ownership of the affected property.
4. Legal description of the property affected by the application.
5. The application shall include conceptual and quantitatively accurate representations of the entire development sufficient to judge the scope, size and impact of the development on the community, public facilities and adjacent properties; and except as otherwise specified in this Code, shall be accompanied by the following information,
6. Unless specifically waived by the Director, the submittal shall include: ten (10) copies folded to 9" x 12" or (one (1) set of full-sized scaled drawings and nine (9) - 8 1/2" x 11" reductions of larger drawings) of the proposed Site Development Plan, including a small scale vicinity map and showing:
 - a. Streets, private drives, driveways, sidewalks, pedestrian ways, off-street parking, loading areas, garbage and recycling storage areas, power lines and railroad tracks, and shall indicate the direction of traffic flow into and out of off-street parking and loading areas, the location of each parking space and each loading berth and areas of turning and maneuvering vehicles.
 - b. The Site Plan shall indicate how utility service , including sanitary sewer, water and storm drainage, are to be provided. The Site Plan shall also show the following off-site features: distances from the subject property to any structures on adjacent properties and the locations and uses of streets, private drives, or driveways on adjacent properties.
 - c. Location and dimensions of structures, utilization of structures, including activities and the number of living units.
 - d. Major existing landscaping features including trees to be saved, and existing and proposed contours.
 - e. Relevant operational data, drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets, private drives, and open space.
 - f. Topographic information sufficient to determine direction and percentage of slopes, drainage patterns, and in environmentally sensitive areas, e.g., flood plain, forested areas, steep slopes or adjacent to stream banks, the elevations of all points used to determine contours shall be indicated and said points shall be given to true elevation above mean sea level as determined by the City Engineer. The base data shall be clearly indicated and shall be compatible to City datum, if bench marks are not adjacent. The following intervals shall be shown:
 - i. One (1) foot contours for slopes of up to five percent (5%);
 - ii. Two (2) foot contours for slopes of from six percent (6%) to twelve percent (12%);

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- iii. Five (5) foot contours for slopes of from twelve percent (12%) to twenty percent (20%). These slopes shall be clearly identified, and
- iv. Ten (10) foot contours for slopes exceeding twenty percent (20%).
- g. A tabulation of land area, in square feet, devoted to various uses such as building area (gross and net rentable), parking and paving coverage, landscaped area coverage and average residential density per net acre.
- h. An application fee as set by the City Council.
- i. If there are trees in the development area, an arborist's report, as required in Section 4.600. This report shall also show the impacts of grading on the trees.
- j. A list of all owners of property within 250 feet of the subject property, printed on label format. The list is to be based on the latest available information from the County Assessor.

[Section 4.035(.04) amended by Ord. 682, 9/9/10]

- (.05) Complete Submittal Required. Application materials shall be submitted to the Planning Director who shall have the date of submission indicated on each copy submitted. Within thirty (30) calendar days from the date of submission, the Director shall determine whether an application is complete. An application is not complete unless accompanied by a traffic study, as prescribed by the City Engineer; except in cases where the requirement of a traffic study has been specifically waived by the Community Development Director.
- A. If the Director determines that the application is incomplete or otherwise does not conform to the provisions of this Code, the applicant shall immediately be notified in writing, conveying an explanation and a submittal deadline for completion or correction of the application. If the applicant fails or refuses to provide the necessary information, the application will be processed as specified in Section 4.011 (How Applications Are Processed) in order to assure that statutory time limits are met.
 - B. If an application is determined to be complete and in conformance with the provisions of this Ordinance, the Director shall accept it and note the date of acceptance on the application form. The Director shall then schedule the appropriate review and notify the applicant of the date of the final decision or hearing as set forth in this Chapter.
 - C. Materials submitted to the Planning Department staff after the preparation of the staff report shall be date-stamped and passed on to the appropriate decision makers. If there is insufficient time for the staff to prepare an analysis of such information, the decision-makers may choose to postpone action until such an analysis can be completed. If statutory time limits for action on the application preclude postponement, the decision makers may request a summary of the new information from the party presenting it. If information is received too late to be adequately evaluated within the legal time limits for action on the application, the decision-makers shall so state and shall make the decision, indicating within the adopted findings of fact the extent to which that information was considered in rendering the decision.

EXHIBIT E SUPPORTING AMENDMENTS TO THE ZONING CODE TEXT

Section 4.035. Site Development Permits.

- D. Written testimony that is sent via mail, facsimile, or computer and received by the City Recorder or the Recorder's designee prior to a public hearing shall be included in the record and considered to be originals, provided the document bears the name of the person testifying. Persons sending such documents shall be responsible for verifying that the documents have been received by the intended recipient on City staff. The City will make all reasonable attempts to convert testimony sent by telecommunication to paper format but bears no responsibility for doing so.